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Circular Letter

TO: CONTRACTING PUBLIC AGENCY HEALTH BENEFIT OFFICERS AND ASSISTANT HEALTH BENEFIT OFFICERS

SUBJECT: ASSEMBLY BILL 1082 IMPLEMENTATION, PUBLIC EMPLOYEE HEALTH CARE BENEFITS: DOMESTIC PARTNERS.

This circular letter contains information to assist you in the implementation of Assembly Bill 1082, which becomes effective January 1, 2004.

Assembly Bill 1082, Chapter 764, Statutes of 2003 expands the definition of "Domestic Partner" for the purpose of the Public Employees' Medical and Hospital Care Act (PEMHCA). *AB 1082 authorizes a contracting agency, which adopted a local definition of domestic partnership prior to January 1, 2000, to provide health care benefits to those domestic partners.*

AB 1082 amends Government Code Section 22869 to read as follows:

For purposes of this part, a "domestic partnership" shall be either of the following:

(a) Two people who meet all of the criteria set forth in Section 297 of the Family Code. (*Definition prior to AB 1082*)

(b) Two people who meet all of the criteria of a "domestic partnership," as defined by the governing board of a contracting agency, if the contracting agency adopted that definition prior to January 1, 2000. (*Amendment to Section 22869, effective January 1, 2004*)

Electing the New Provision

Contracting agencies that have a resolution with CalPERS to provide domestic partnership coverage under section 22869(a), and also provide domestic partnership coverage under a local definition prior to January 1, 2000, may *elect the new provision to enroll newly eligible domestic partners in PEMHCA, by following the instructions listed below:*

- Send a copy of the resolution passed by the agency's governing board prior to January 1, 2000.

- In the event a resolution is not available, provide pertinent documentation such as a *Memorandum of Understanding*.
- All supporting documentation must include the agency's governing board's definition of "domestic partner."
- Please send supporting documentation to:

Terri McIntyre,
Health Benefit Services Division
P. O. Box 942714,
Sacramento, CA 94229-2714

The effective date of the new domestic partnership provision will be the first of the month following the date the documentation is received by CalPERS. Upon approval of the agency's request to adopt the new provision, additional instructions and enrollment materials will be sent to enroll newly eligible domestic partners.

Agencies that do not have a resolution to provide domestic partner coverage under Section 22869(a), **must** submit a resolution defining domestic partnership that was adopted prior to January 1, 2000, along with other written supporting documentation to CalPERS before we can process domestic partnership enrollments. Under this circumstance, the earliest date for enrollment of domestic partners will be the first of the month following receipt of the resolution by CalPERS.

If you have questions concerning AB 1082, please contact Terri McIntyre, Public Agency Contracts, at (916) 326-3587.

Sincerely,

Doug P. McKeever, Acting Chief
Health Benefit Services Division